

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY JIDDA

C O N F I D E N T I A L STATE 263840

E.O. 11652:GDS

TAGS:SHUM, MASS, SA

SUBJECT:CLEARANCE OF DRAFT HUMAN RIGHTS OBSERVANCE REPORT

REF: STATE 231122

1. SECTION 502B OF THE FOREIGN ASSISTANCE ACT OF 1961
AS AMENDED BY THE INTERNATIONAL SECURITY ASSISTANCE ACT
AND ARMS EXPORT CONTROL ACT OF 1976 STATES IN PARAGRAPH
502B(B) THAT THE "SECRETARY OF STATE SHALL TRANSMIT TO THE
CONGRESS, AS PART OF THE PRESENTATION MATERIALS FOR
SECURITY ASSISTANCE PROGRAMS PROPOSED FOR EACH YEAR, A
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FULL AND COMPLETE REPORT ... WITH RESPECT TO PRACTICES RE-
GARDING THE OBSERVANCES OF AND RESPECT FOR INTERNATIONALLY
RECOGNIZED HUMAN RIGHTS IN EACH COUNTRY PROPOSED AS A
RECIPIENT OF SECURITY ASSISTANCE." PARAGRAPH (D) (2) OF

SECTION 502B AS AMENDED DEFINES "SECURITY ASSISTANCE" TO INCLUDE SECURITY SUPPORTING ASSISTANCE, FMS, CERTAIN COMMERCIAL SALES, CREDITS AND OTHER PROGRAMS. THE FULL TEXT OF THE AMENDED SECTION 502B WAS TRANSMITTED BY THE REFTEL.

2. AS INDICATED IN THE REFTEL, THE DEPARTMENT HAS BEEN COLLECTING AND PREPARING INFORMATION ON THE HUMAN RIGHTS SITUATIONS IN SECURITY ASSISTANCE RECIPIENT COUNTRIES IN ANTICIPATION OF SUBMITTING IT TO CONGRESS EARLY NEXT YEAR AS PART OF THE CONGRESSIONAL PRESENTATION DOCUMENT (CPD) ON SECURITY ASSISTANCE. HUMAN RIGHTS REPORTING FROM OVERSEAS POSTS, INFORMATION FROM NON-GOVERNMENTAL ORGANIZATIONS SUCH AS THE INTERNATIONAL COMMISSION OF JURISTS, AMNESTY INTERNATIONAL AND FREEDOM HOUSE, REPORTS BY INTERNATIONAL ORGANIZATIONS AND CONGRESSIONAL HEARINGS ON HUMAN RIGHTS HAVE BEEN COMPILED IN A DRAFT HUMAN RIGHTS OBSERVANCE REPORT ON EACH SECURITY ASSISTANCE RECIPIENT COUNTRY. THE DRAFT REPORT ON SAUDI ARABIA IS BELOW.

3. THE DRAFT REPORT FOLLOWS A STANDARD FORMAT CALLING FOR A DESCRIPTION OF THE POLITICAL AND LEGAL SITUATION IN THE COUNTRY, A DESCRIPTIVE STATEMENT OF ACTUAL OBSERVANCE OF RIGHTS AND FREEDOMS IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS WITH SPECIFIC ATTENTION TO MATTERS SPECIFIED IN THE INCLUSION CLAUSE OF PARAGRAPH (D)(1) OF SECTION 502B AS AMENDED, AND A REFLECTION OF OTHER HUMAN RIGHTS REPORTING. THE TEXT OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS WAS TRANSMITTED TO THE FIELD AS AN ENCLOSURE TO 75 STATE A-1045.

4. THE DRAFT REPORT HAS BEEN PARTIALLY CLEARED IN THE DEPARTMENT AND IS BEING USED INTERNALLY IN THE CURRENT REVIEW OF PROPOSED PROGRAMS FOR FY 1978. BEFORE FINAL CLEARANCE IN THE DEPARTMENT CAN BE OBTAINED FOR THE DRAFT REPORT'S INCLUSION IN THE CPD AS AN UNCLASSIFIED CONFIDENTIAL

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DOCUMENT (WHICH MAY BE PUBLICLY DISCLOSED IF CONGRESS SO CHOOSES), THE DEPARTMENT REQUESTS THE EMBASSY CAREFULLY REVIEW, CORRECT, UPDATE AND CLEAR THE DRAFT. (UNTIL THE DRAFT IS CLEARED FOR RELEASE, HOWEVER, IT REMAINS A WORKING DOCUMENT CLASSIFIED CONFIDENTIAL UNDER THE PROVISIONS OF EXECUTIVE ORDER 11652.)

5. IN CONDUCTING ITS REVIEW, THE EMBASSY SHOULD ENSURE THAT THE INFORMATION IN THE DRAFT CONSTITUTES A "FULL AND COMPLETE REPORT--WITH RESPECT TO PRACTICES REGARDING THE OBSERVANCE OF HUMAN RIGHTS" IN SAUDI ARABIA, AS REQUIRED IN SECTION 502B(B) AS AMENDED.

6. REQUESTED ACTION: THE EMBASSY IS REQUESTED TO URGENTLY REVIEW THE ENCLOSED DRAFT AND PROVIDE COMMENTS, SUGGESTED REVISIONS, UPDATING INFORMATION, ADDITIONAL INFORMATION IN SATISFACTION OF THE REQUIREMENTS OF SECTION 502B(B) AS AMENDED, AND CLEARANCE BY TELEGRAM TO REACH THE DEPARTMENT NO LATER THAN NOVEMBER 15.

I. POLITICAL SITUATION

SAUDI ARABIA IS AN ISLAMIC MONARCHY WHOSE KING IS CHOSEN BY CONSENSUS OF THE SENIOR MEMBERS OF THE ROYAL FAMILY. KING KHALID BECAME THE CHIEF OF STATE UPON KING FAISAL'S DEATH IN MARCH 1975; CROWN PRINCE FAHD OVERSEES THE DAY-TO-DAY FUNCTIONING OF THE GOVERNMENT. THE KINGDOM HAS NO POLITICAL PARTIES AND NO ELECTED ASSEMBLY. THERE IS NO EVIDENT DOMESTIC OPPOSITION TO THE EXISTING REGIME.

NINE OF THE TWENTY-FIVE MEMBERS OF THE NEW CABINET ANNOUNCED IN OCTOBER 1975 HAVE PH.D.'S OR ARE MEDICAL DOCTORS. THE PROGRESSIVE POLITICAL DEVELOPMENT DEMONSTRATED BY THE INCLUSION OF THESE YOUNGER, WELL-EDUCATED MEMBERS HAS BEEN AUGMENTED BY THE KINGDOM'S COMMITMENT TO DOLS 145 BILLION OF ITS PETROLEUM EXPORT EARNINGS TO FINANCE A FIVE-YEAR PLAN TO IMPROVE THE ECONOMIC INFRASTRUCTURE AND SOCIAL SERVICES OF THIS COUNTRY OF AN ESTIMATED 5.6 MILLION PERSONS.

II. LEGAL SITUATION CONFIDENTIAL

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SAUDI ARABIA HAS NO WRITTEN CONSTITUTION. LAWS ARE PROMULGATED BY ROYAL DECREE, THE KING ACTING ON RECOMMENDATIONS OF THE COUNCIL OF MINISTERS, OR CABINET. THE EXERCISE OF THE KING'S POWER IS CIRCUMSCRIBED BY TRADITIONAL AND RELIGIOUS NORMS EMBODIED IN THE SHARIA, OR KORANIC LAW, WHICH IS ADMINISTERED BY RELIGIOUS JUDGES WHO, THOUGH NOMINALLY SUBORDINATED TO THE MINISTRY OF INTERIOR, ENJOY CONSIDERABLE PRESTIGE AND INDEPENDENCE. CRIMINAL SENTENCES TEND TO BE PUNITIVE, RATHER THAN REFORMATIVE. CASES ARE GENERALLY HANDLED WITHOUT EXCESSIVE DELAY.

THE READY ACCESSIBILITY OF ALL OFFICIALS AND THE FACT THAT ANY CITIZEN MAY PRESENT A PETITION OR GRIEVANCE TO THE KING AT HIS WEEKLY PUBLIC AUDIENCE FUNCTION AS A STRONG GUARANTEE AGAINST THE ARBITRARY USE OF AUTHORITY AND PROVIDE SOME PROTECTION FOR HUMAN RIGHTS.

III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

A. INTEGRITY OF THE PERSON

ARTICLE 3: LIFE, LIBERTY AND SECURITY OF PERSON ARE GUARANTEED BY TRADITIONAL ISLAMIC LAW AND WITHIN THAT FRAMEWORK THESE RIGHTS ARE ENJOYED BY SAUDI ARABIANS.

ARTICLE 5: THERE IS NO EVIDENCE THAT TORTURE IS OFFICIALLY

SANCTIONED OR PRACTICED IN SAUDI ARABIA. ISLAMIC LAW SANCTIONS THE CONTINUING PRACTICE OF SEVERING THE HAND OF CONVICTED THIEVES. ITS FREQUENCY HAS BEEN EXAGGERATED BY THE WESTERN PRESS, WHICH GENERALLY FAILS TO NOTE THAT THIS MEASURE IS RESORTED TO ONLY WHERE THE OFFENDER HAS A CLEARLY ESTABLISHED RECORD OF RECIDIVISM. SUCH PUNISHMENT IS NOT METED OUT TO FIRST OR SECOND OFFENDERS.

CAPITAL PUNISHMENT BY PUBLIC BEHEADING IS PROVIDED FOR BY LAW FOR MURDER AND OTHER HEINOUS CRIMES.

ARTICLE 8: SAUDI ARABIANS CAN PETITION THE COURTS FOR CONFIDENTIAL

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REMEDIES IN CASE OF VIOLATION OF THEIR RIGHTS, AND THEY ARE ALSO FREE TO TAKE GRIEVANCES TO HIGHER OFFICIALS, INCLUDING THE KING, WHO HOLDS WEEKLY AUDIENCES FOR THAT PURPOSE.

ARTICLE 9: ARBITRARY ARREST AND DETENTION ARE NOT CONDONED OR PRACTICED BY THE GOVERNMENT IN ITS APPLICATION OF TRADITIONAL AND KORANIC LAW. EXILE IS NOT A SENTENCE IMPOSED BY THE GOVERNMENT, ALTHOUGH SOME INDIVIDUALS HAVE VOLUNTARILY EXILED THEMSELVES BECAUSE OF THEIR POLITICAL OR SOCIAL VIEWS. FOREIGNERS WHO BREAK THE LAW ARE FREQUENTLY BANISHED AND PROHIBITED REENTRY INTO THE KINGDOM.

ARTICLE 10: TRADITIONAL ISLAMIC LAW IS APPLIED BY EXPERIENCED RELIGIOUS JUDGES. IT PROVIDES FOR A FAIR HEARING OF THE DEFENDANT'S CASE.

ARTICLE 11: A FAIR TRIAL IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED BY KORANIC LAW IS THE RULE IN SAUDI ARABIA.

B. OTHER FREEDOMS

THE ISLAMIC PROHIBITION OF DISCRIMINATION ON THE BASIS OF RACE OR COLOR IS FULLY HONORED IN SAUDI ARABIA. THERE IS NO QUESTION, HOWEVER, THAT THE STATUS OF WOMEN IS NOT WHAT IT IS IN THE WEST. RESTRICTIONS ON WOMEN LIE NOT SO MUCH IN THE REALM OF LAW AS IN ACCEPTED SOCIAL CUSTOM AND PRACTICE. HOWEVER, CHANGES IN THE STATUS OF WOMEN ARE UNDERWAY AND ACCELERATING. PUBLIC EDUCATION FOR WOMEN BEGAN 13 YEARS AGO AND INCREASING NUMBERS OF SAUDI WOMEN WHO HAVE STUDIED ABROAD ARE DEMANDING AND OBTAINING EMPLOYMENT IN

PROFESSIONAL FIELDS OTHER THAN TEACHING AND SOCIAL WORK WHICH HAVE HERETOFORE BEEN THE ONLY PROFESSIONS OPEN TO THEM.

SAUDIS ARE GENERALLY FREE TO MOVE ABOUT THE COUNTRY AND TRAVEL ABROAD. SAUDI CITIZENS, INCLUDING WOMEN, MAY OWN PROPERTY. THE GOVERNMENT HAS NOT EXPROPRIATED ANY DOMESTIC OR FOREIGN PROPERTIES; HOWEVER, IT HAS NEGOTIATED TO PURCHASE 100 OWNERSHIP OF ARAMCO.
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ISLAM IS THE ESTABLISHED RELIGION OF SAUDI ARABIA. OTHER RELIGIONS MAY BE PRACTICED PRIVATELY WITHOUT PERSECUTION BUT PUBLIC NON-MUSLIM WORSHIP SERVICES ARE NOT PERMITTED.

SAUDIS ARE GENERALLY FREE TO SAY WHATEVER THEY WISH; INDEED, CITIZENS ARE INVITED TO TAKE THEIR GRIEVANCES TO HIGHER AUTHORITY. THE PRESS IS NOT CENSORED PRIOR TO PUBLICATION BUT IT DOES KEEP WITHIN BOUNDS IT PRESUMES ARE ACCEPTABLE TO THE GOVERNMENT. THUS, CRITICISM OF POLICIES AND SENIOR OFFICIALS IN THE PRESS IS RARE. THE FOREIGN PRESS IS CENSORED PRIOR TO DISTRIBUTION IN ORDER TO EXCISE OFFENSIVE PICTURES AND STATEMENTS.

THERE ARE NO APPARENT RESTRICTIONS ON THE RIGHT OF ASSEMBLY.

IV. OTHER HUMAN RIGHTS REPORTING

AMNESTY INTERNATIONAL'S 1974-75 ANNUAL REPORT NOTED THE DECLARATION OF AN AMNESTY AND THE RELEASE OF POLITICAL PRISONERS AFTER THE ASSASSINATION OF KING FAISAL IBN ABDUL AZIZ. AMNESTY'S 1974 REPORT ON TORTURE INCLUDED ALLEGATIONS OF TORTURE IN SAUDI ARABIA WHICH, "ALTHOUGH THEY HAVE IN NO WAY BEEN INVESTIGATED", WERE CONSIDERED SERIOUS ENOUGH TO WARRANT INCLUSION IN THE REPORT.

FREEDOM HOUSE LISTS SAUDI ARABIA AS "NOT FREE." KISSINGER

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<< END OF DOCUMENT >>

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